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Arthur Lane Bentley

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10/01/2004

Arthur Lane Bentley  
10252 South 2375 East  
Sandy, UT 84092

EXAMINER

JORGENSEN, LELAND R

ART UNIT

PAPER NUMBER

2675

DATE MAILED: 10/01/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/003,988

**Applicant(s)**

BENTLEY, ARTHUR LANE

**Examiner**

Leland R. Jorgensen

**Art Unit**

2675

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 3, 9, and 13 - 30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3, 9, 13 - 18, and 20 - 30 is/are rejected.
- 7) ☐ Claim(s) 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 17 and 18 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim 17 and 18 are dependant on claim 16. Claim 16 teaches that the device is substantially fixed and relies on the observer to provide the kinetic motion to produce a visual display by scanning the observer's eyes past the lighted array. Both claim 17 and 18 teach that the display is movable and suggests that the visual display is created by the movement of the display rather than by scanning of the observer's eyes.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 21, 3, 9, 13, 14, 22, 24 – 27, and 29 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Independent claim 21 as amended adds the following:

(f) said motion controlled method being derived from detected adjacent inertia reversals, of the immediately previous swing; said adjacent inertia reversals indicating that a half-cycle swing has occurred; counting the number of columns of display data that was displayed in the previous half-cycle swing and then changing the column delay accordingly, such that all columns of display data fit within the half-cycle swing in preparation for the next swing;

(g) display data being sent to the lighted array only on the leading half-cycle swing, not the returning half-cycle swing; whereby a visual display is produced that is synchronized with the users kinetic motions.

This appears to be **new matter** not described in the original specification. Specifically, examiner is unable to correlate this description with the Calculate New Timing for Display 86 described on pages 26 – 27 and figure 6 of the specification. If this new matter limits the calculations only to the inertia reversal of the previous swing, this seems in contradiction of the specification which simply adds the new swing to the running average. The specification states:

In this way the column delay is normalized from swing to swing and we actively adjust the visual display. A running average of column delay times will produce a stable display, which is slower in response to changes in the swing width and speed.

Specification, page 27. Clarification of this matter is specifically requested in response to this Office Action since applicant argues that these two paragraphs distinguish claim 21 over the prior art. Claims 3, 9, 13, 14, 22, 24 – 27, and 29 are rejected as dependant on the new matter in claim 21.

Claims 24 and 25 are also rejected for adding new matter. Claim 24 adds that the light array includes an ultra violet LED. Claim 25 adds that the array includes an organic LED.

Neither are described in the specification. See, e.g. Specification, pp. 7 – 8, 16 –17.

Applicant should respond to these new matter rejection by either 1) canceling the new matter from the claims, 2) showing where the alleged new matter is specifically discussed in the specification, or 3) filing a continuation in part application with the new matter added to the new specification. The continuation in part application is new patent application and the new matter added loses the benefit of the earlier filing date.

4. Claim 18 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 18 states that a motor means moves the array with the display being adjusted such that the text and graphics displayed in the lower half of the circle are correctly oriented, matching the orientation of graphics in the upper half of the circle; whereby a viewer is enabled to view a display in which no text or graphics are inverted. None of this is found in the specification.

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. In view of applicant's Amendment A, the prior 35 U.S.C. 112, second paragraph, rejection of claims 1 – 15 is withdrawn.

7. Claims 18, 26, and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claim 18 recites the limitation “the lower and upper half of the circle.” There is insufficient antecedent basis for this limitation in the claim. Claim 18 has been amended to be dependant on claim 16. Neither claim 16 nor 18 define the limitation of a circle.

Claims 26 and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim. Both claims that the device is “constructed in such a manner and with minimal parts; whereby the device is considered disposable and able to be discarded after at least a single use.” Such language is so subjective as to provide little guidance on what is or is not “considered disposable and able to be discarded after at least a single use.”

### ***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 16, 17, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Bell, USPN 4,470,044.

### **Claim 16**

Bell teaches a kinetic device and method for producing visual displays that comprises a lighted array [linear array (1)] comprised of a least one light emitting element [light producing

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elements (2a) – 2(h). A controller [Means(6)] is coupled to the elements of the lighted array. The controller is programmed to deliver display data in a columnar piecewise fashion to said lighted array with the lighted array being substantially fixed in position and relying on the observer [5] to provide the kinetic motion required to produce a visual display by scanning the observer's eyes past the lighted array. Bell, col. 4, lines 4 – 19; and figures 1 and 4.

#### **Claim 17**

Bell teaches that the lighted array can sweep rotationally around the circumference of a circle; without position sensors; the speed of rotation being variable; whereby a visual display is produced which appears stable or precedes or recedes around a central pivot point. Bell, col. 7, lines 38 – 61; and figure 6.

#### **Claim 20**

Bell teaches that the array may be integrated into other items such as games, novelty greeting devices, annunciators, and identifying markers. Bell, col. 2, lines 61 – 67.

10. Claim 23 is rejected under 35 U.S.C. 102(e) as being anticipated by Solomon, UPSN 6,404,409 B1.

#### **Claim 23**

Solomon teaches a handheld kinetic device [wand] and method for producing visual displays comprising a lighted array of light emitting elements [arrays of LEDs 12, 14]. Solomon, col. 1, lines 7 – 9; col. 3, lines 36 – 50; and figure 1. The light emitting elements are mounted such that the light emitted is directed in a 360 degree doughnut shaped light pattern surrounding the device. Solomon, col. 3, lines 55 – 64; col. 8, lines 4 – 15; and figures 1 and 15. An inertia reversal sensor [direction and position switch 40] detects adjacent inertia reversals in any two

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opposing directions independent of how the device rotates in hand during use. Solomon, col. 3, line 65 – col. 4, line 40; col. 4, line 48 – col. 5, line 17; and figures 2 & 3. A controller [image computer 30] is coupled to the elements of the lighted array and to a power source [34].

Solomon, col. 3, lines 44 – 50; and figure 1. The controller is programmed to deliver display data to the lighted array, whereby visual images are displayed in the air which are visible for 360 degrees around the device when it is moved through space. Solomon, col. 3, lines 55 – 67; col. 9, lines 25 – 27; and col. 10, lines 26 – 37; and figures 1 & 23.

### ***Claim Rejections - 35 USC § 103***

11. Claims 15, 21, 9, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohta et al., USPN 5,444,456, in view of Molinaroli.

#### **Claim 15**

Ohta describes a kinetic device and method for producing visual displays that comprises a lighted array comprised light emitting elements [LED array 23]; a controller [computing unit 26] coupled to the elements of the lighted array; and an inertia reversal sensor [sensor switch 24] which is able to detect reversals in the direction of inertia imposed upon it. The controller is programmed to detect adjacent inertia reversals through means of the inertia reversal sensor and the inertia reversal sensor provides the ability to modify the function or type of display. The controller is programmed to deliver display data in a columnar piecewise fashion to said lighted array. The lighted array is comprised of at least one style of predetermined graphics shape or alphanumeric characters whereby the predetermined graphics or alphanumeric characters appear



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and hang in mid air when the device is moved through space. Ohta, col. 5, lines 3 – 33; and figures 9 and 11a.

Ohta does not specifically teach that the inertial reversal sensor is based on kinetic energy, thereby providing a kinetic means for device activation.

Molinaroli teaches a persistent image maker having an inertial reversal sensor [centrifugal switch 16] based on kinetically energy. Molinaroli, col. 14, lines 47 – 65; col. 24, lines 21 – 23; and figures 1 – 3.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the switch as taught by Molinaroli with the device and method as taught by Ohta to eliminate the need for a separate on/off mode switch. Molinaroli invites such combination by teaching,

In the present invention, the centrifugal switch 16 serves two purposes: to wake up the microprocessor even in the absence of an on-off switch, and to control timing. There is thus no need for an on-off switch. The microprocessor 13 awakening from sleep mode acts as an on-off switch and the microprocessor algorithm controls the display timing to appear in the same location and with the same message length each time the device is moved back and forth. In user-programmable embodiments of the present device, this also permits messages to be stored in RAM because no power is removed when the microprocessor is in sleep mode. This is advantageous in that it eliminates the need for a EEPROM chip or battery-backed RAM, or other types of memory storage devices.

Molinaroli, col. 4, lines 52 – 65.

### **Claim 21**

Ohta teaches a device and method for producing visual displays based on the persistence of vision effect of human vision that comprises a lighted array [LED array 23] of light emitting elements [LED array 23] and a controller [computing unit 26] coupled to the lighted array and to a power source [batteries 21]. Ohta, col. 1, lines 9 – 13; col. 5, lines 3 – 17; and figures 9 & 11.

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The controller is coupled to an inertia reversal sensor [sensor switch 24] placed at the upper segment of the LED array. Ohta, col. 5, lines 25 – 29; and figure 11. Ohta teaches, “As shown in FIG. 11, the sensor switch 24 is placed at the upper segment of the LED array...”

Thus, Ohta teaches that the sensor switch is physically located within the lighted array. Compare this to applicant’s specification which states:

The inertia reversal sensor 28 must be mounted within the lighted array 14. Alternative placements of the inertia reversal sensor 28 are shown to be **top mounted sensor 30**, relative to the first light emitting element 22, or bottom mounted sensor 32, relative to the last light emitting element 22 of the lighted array 14, **thereby becoming part of the lighted array 14**.

Specification, page 14 (bold added). In figure 2, applicant shows the top mounted sensor 30 in the same location as Ohta shows the sensor switch in figure 11. If applicant considers mounted sensor 30 as “becoming part of the lighted array,” Ohta sensor switch is also part of the lighted array.

Ohta teaches that said controller is programmed to illuminate the lighted array elements; said program illuminating the lighted array in accordance with saved display data, in a columnar piecewise fashion, synchronized to the kinetic motion of the device in a motion controlled method; said motion controlled method being derived from detected adjacent inertia reversals, of the immediately previous swing; said adjacent inertia reversals indicating that a half-cycle swing has occurred; counting the number of columns of display data that was displayed in the previous half-cycle swing and then changing the column delay accordingly, such that all columns of display data fit within the half-cycle swing in preparation for the next swing; and that display data being sent to the lighted array only on the leading half-cycle swing, not the returning half-cycle swing; whereby a visual display is produced that is synchronized with the users kinetic

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motions. Ohta, col. 5, lines 18 – 67. Ohta's teachings are consistent with applicant's teachings in the specification and with the information in parts (e), (f), and (g) in claim 21, excluding any new matter as discussed in paragraph 2 and 3 above.

Ohta does not specifically teach that the inertial reversal sensor is based on kinetic energy, thereby providing a kinetic means for device activation.

Molinaroli teaches a persistent image maker having an inertial reversal sensor [centrifugal switch 16] based on kinetically energy. Molinaroli, col. 14, lines 47 – 65; col. 24, lines 21 – 23; and figures 1 – 3.

For the reason given in the discussion of claim 15 above, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the switch as taught by Molinaroli with the device and method as taught by Ohta to eliminate the need for a separate on/off mode switch.

### **Claim 9**

Ohta teaches a means of packaging the lighted array thereby protecting the device [protective case 1] Ohta, col. 4, lines 27 – 51; and figures 1 – 5. Molinaroli teaches that the device may be used for advertising graphics, sponsor names, or logos, enabling it to be used as a sales promotional item. Molinaroli, col. 7, lines 17 – 27; and figures 4 & 5.

It would have been obvious to one of ordinary skill in the art at the time of the invention to reserved a space on the housing as taught by Ohta for printed advertising graphics, sponsor names, or logos.

**Claim 14**

Molinaroli teaches that that the display is generated a character at a time as the device is moved through space. Molinaroli, figure 1.

12. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ohta et al. in view of Molinaroli as applied to claim 21 above, and further in view of Tasaki et al, USPN 6,319,425 B1.

**Claim 3**

Molinaroli teaches colored light emitting diodes [multicolor LEDs 12] whereby the kinetic visual display is rendered substantially more readable than clear diodes. Molinaroli, col. 4, lines 14 – 15.

Molinaroli does not specifically teach that the light emitting diodes are obscured or pigmented.

Tasaki teaches light emitting diodes that are obscured [sandblasted] or pigmented. Tasaki, col. 2, lines 57 - 60; col. 2, line 66 – col. 3, line 3; col. 7, lines 1 – 54.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the obscured or pigmented LEDs as taught by Tasaki with the display device as taught by Ohta in view of Molinaroli to easily change the color of the light and to reduce color variation between the lead end and side surface of the LED. Tasaki, col. 1, line 63 – col. 2, line 5; col. 3, lines 4 – 8.

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13. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ohta et al. in view of Molinaroli as applied to claim 21 above, and further in view of Solomon, USPN 6,404,409 B1.

### **Claim 13**

Neither Ohta nor Molinaroli specifically teach each lighted array form part of a graphic image, with parts of a graphic image being displayed as the device is moved through space to form a kinetic light puzzle.

Solomon teaches each lighted array form part of a graphic image, with parts of a graphic image being displayed as the device is moved through space to form a kinetic light puzzle. A controller 30 responds to the users kinetic motions, allowing the user to control where the parts of a graphic image appear in space; whereby the complete image is assembled in the visual display only when the device is waved at the predetermined correct speed and swing width. Solomon, col. 8, lines 38 – 47; and figure 18.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the puzzle as taught by Solomon with the device and method as taught by Ohta and Molinaroli to provide an amusing device. Solomon invites such combination by teaching,

Another object of this invention to provide a game method which enhances hand-eye coordination and other skills.

A further object is the application of the method of the present invention to entertainment devices and games.

Molinaroli, col. 2, lines 33 – 37.

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14. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bell in view of NakaMats, USPN 6,249,998 B1.

**Claim 18**

Bell teaches a motor means [motor shaft (35)(36)] which moves the array. Bell, col. 7, lines 38 – 52; and figure 6.

Bell does not teach that the display being adjusted such that the text and graphics displayed in the lower half of the circle are correctly oriented, matching the orientation of graphics in the upper half of the circle; whereby a viewer is enabled to view a display in which no text or graphics are inverted.

NakaMats teaches that the display is adjusted such that the text and graphics displayed in the lower half of the circle are correctly oriented, matching the orientation of graphics in the upper half of the circle; whereby a viewer is enabled to view a display in which no text or graphics are inverted. NakaMats, col. 7, line 51 – col. 4, line 27; and figures 7 & 8.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the adjusted display as shown by NakaMats with the display device as taught by Bell so that the letters and graphics are correctly oriented.

15. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ohta et al. in view of Molinaroli as applied to claim 21 above, and further in view of Nakagawa et al., USPN 5,826,036.

**Claim 22**

Neither Ohta nor Molinaroli teach that the display data stored in a shorthand format such that space are removed from the stored data but are implicitly indicated by changing the case of the stored character, thereby enabling storage of substantially more display data while still being able to display spaces in proper places.

Nakagawa teaches the display data stored in a shorthand format such that space are removed from the stored data but are implicitly indicated by changing the case of the stored character, thereby enabling storage of substantially more display data while still being able to display spaces in proper places. Nakagawa, col. 2, lines 39 – 51; col. 10, lines 3 – 67; and figures 7 – 8C.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the shorthand format as taught by Nakagawa with the display device as taught by Ohta and Molinaroli to decrease data storage, transmission, and decompression time. Nakagawa, col. 10, lines 62 – 67.

16. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bell.

**Claim 28**

Bell teaches that the device may be used for advertising. It would have been obvious to one of ordinary skill in the art at the time of the invention to using the housing of the linear array [6] of Bell as means of packaging the lighted array thereby providing room on the label of said device, for printed advertising graphics, sponsor names, or logos, enabling it to be used as a sales promotional item.

17. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ohta et al. in view of Molinaroli as applied to claim 21 above, and further in view of Bednarz, USPN 4,264,845.

**Claim 29**

Neither Ohta nor Molinaroli specifically teach a mode of operation exists wherein the controller itself randomly selects programmed data for display; whereby the user is not able to select what is displayed but is entertained by the randomness of the display.

Bednarz teaches a ornamental light display including an LED array having a controller [multiplexer M] that randomly selects programmed data for display; whereby the user is not able to select what is displayed but is entertained by the randomness of the display. Bednarz, col. 1, lines 6 – 10, 52 – 64; and figure 1.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the random display as taught by Bednarz with the display device as taught by Ohta and Molinaroli to provide interesting and attractive ornamental displays. Bednarz, col. 1, lines 6 – 10, 29 – 41.

18. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bell in view of Bednarz, USPN 4,264,845.

**Claim 30**

Bell does not specifically teach a mode of operation exists wherein the controller itself randomly selects programmed data for display; whereby the user is not able to select what is displayed but is entertained by the randomness of the display.



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Bednarz teaches a ornamental light display including an LED array having a controller [multiplexer M] that randomly selects programmed data for display; whereby the user is not able to select what is displayed but is entertained by the randomness of the display. Bednarz, col. 1, lines 6 – 10, 52 – 64; and figure 1.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the random display as taught by Bednarz with the display device as taught by Bell to provide interesting and attractive ornamental displays. Bednarz, col. 1, lines 6 – 10, 29 – 41.

***Allowable Subject Matter***

19. Claim 19 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

20. The following is a statement of reasons for the indication of allowable subject matter:

Claim 19 is dependant on claim 16 and adds that the lighted array is slanted, arched, angled, or pointed, such that the eyes of the viewer are thereby guided to scan the array in the direction pointed to by the array; whereby the viewer is enabled to see visual displays which are correctly oriented when scanned in the direction indicated by the inclination of the lighted array.

Examiner had rejected claim 19 as being inherent to the invention taught by Molinaroli in col. 19, lines 32 – 64; and figure 25. After reviewing applicant's argument and Molinaroli, examiner concludes that he had no basis for such assertion. Neither Molinaroli nor the other art examined teach or suggest an arrangement of the lighted array to guide eyes of the view.

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Therefore, examiner withdraws the rejection. Applicant should amend claim 19 to include all the limitations now in claim 16 and in claim 19.

***Response to Arguments***

21. Applicant's arguments, see Amendment A, filed 13 April 2004, with respect to the rejection(s) of claim(s) 16 -20 under 35 USC 102(e) as anticipated by Molinaroli have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Bell.

22. Applicant's arguments filed 13 April 2004 have been fully considered but they are not persuasive.

As to claim 21 which is essentially a rewrite of prior claim 1, applicant argues that neither Ohta nor Molinaroli teach 1) the sensor is in the lighted array and 2) the details of operation found in parts ((e), (f), and (g) of the claim. For the reason stated above in the 35 USC 103(a) discussion of claim 21, examiner rejects the first argument. As to the second argument concerning the details of operation found in parts ((e), (f), and (g) of the claim, examiner rejects such details of operation as new matter under 35 USC 112 (1) not described in the specification, see discussion above, and under 35 USC 103(a) over Ohta in view of Molinaroli. Once the new matter issues are resolved, examiner will welcome arguments concerning the 103(a) rejection and will reexamine this ground of rejection.

As to the argument concerning those claims dependant on claim 21, examiner finds these arguments unpersuasive excepting as to claims 3 and 29. But see new grounds for rejection above.

As to claim 15, applicant made no arguments concerning the rejection.

***Conclusion***

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

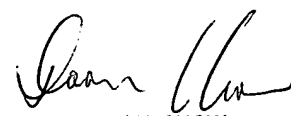
Davila, USPN 4,602,191, and Roy, USPN 5,457,900, teach a LED display for clothes and for shoes respectively.

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leland R. Jorgensen whose telephone number is 703-305-2650. The examiner can normally be reached on Monday through Friday, 7:00 a.m. through 3:30 p.m..

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lrj

  
DENNIS-DOON CHOW  
PRIMARY EXAMINER